

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIM. NO. 04 – 273

v.

DATE: _____

**JERMAINE BURSTON
a/k/a Jermaine Robinson
ROBERT WATSON**

**VIOLATIONS:
21 U.S.C. § 846 (conspiracy to
distribute) – 1 count
18 U.S.C. § 924(c) (possession of a
firearm in furtherance of drug
trafficking) – 1 count
21 U.S.C. § 841(a)(1) (possession
with intent to distribute) – 2 counts
21 U.S.C. § 860 (possession with
intent to distribute within 1,000' of a
school) – 2 counts
18 U.S.C. § 922(g)(1) (possession of a
firearm by a convicted felon) – 1
count
Notice of additional factors
Notices of forfeiture**

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times relevant to this superseding indictment:

1. A "street corner drug distribution business" refers to the sales of
of illegal drugs by people who maintain control of certain portions of a public street,
often an intersection.
2. "Retail sales" of illegal drugs is the distribution of illegal drugs in
single dose quantities. At the retail level, a single dose quantity of crack sold for \$10,

also known as a "dime bag."

3. Cocaine is an illegal drug. When cocaine is processed ("cooked") it is converted into cocaine base. Among illegal drug traffickers and users, cocaine base is called "crack."

4. At the wholesale level, cocaine base ("crack") is sold by weight, measured in grams, and distributed in solid chunks.

5. A "stash house" is a building used to store wholesale quantities of illegal drugs and/or to prepare wholesale quantities of illegal drugs for retail sales in single-dose packets.

6. On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendants

JERMAINE BURSTON,
a/k/a Jermaine Robinson,
and
ROBERT WATSON

conspired and agreed together and with others known and unknown to the grand jury:

a) to knowingly and intentionally distribute unlawful controlled substances, including a mixture or substance containing cocaine base ("crack"), a Schedule II controlled substance;

b) to knowingly and intentionally possess with intent to distribute unlawful controlled substances, including more than 5 grams of a substance containing cocaine base ("crack"), a Schedule II controlled substance;

c) to knowingly and intentionally distribute unlawful controlled substances,

including a mixture or substance containing cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of a public school, that is, the real property comprising the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia, Pennsylvania; and

d) to knowingly and intentionally possess with intent to distribute unlawful controlled substances, including more than 5 grams of cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of a public school, that is, the real property comprising the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia, Pennsylvania.

MANNER AND MEANS OF THE CONSPIRACY

7. It was part of the conspiracy that defendants JERMAINE BURSTON and ROBERT WATSON used 3127 West Norris Street, Philadelphia, where defendant WATSON lived (the "Watson house,") as a stash house for their street corner drug distribution business.

It was a further part of the conspiracy that:

8. Defendant JERMAINE BURSTON controlled wholesale quantities of crack and crack distribution paraphernalia in an upstairs bedroom of the Watson house.

9. To further control access to the wholesale quantities of crack that defendant JERMAINE BURSTON kept in an upstairs bedroom of the Watson house, the door to the bedroom had been removed and replaced with a steel gate that defendant BURSTON locked from inside. Defendant BURSTON could pass out drugs and collect money through the slots in the gate.

10. To further control the wholesale quantities of crack in the Watson house, defendant JERMAINE BURSTON had two guns inside the upstairs area into which he locked himself in the Watson house.

11. For the defendants' street corner business, on the sidewalk outside the Watson house, defendant ROBERT WATSON took orders for retail sales from buyers of single-dose packets of crack.

12. When defendant ROBERT WATSON had an order, he took the cash payment from the buyer, entered the Watson house with his key, retrieved the requisite number of dime bags and returned to the street to deliver the crack to the buyer.

13. Defendant JERMAINE BURSTON gave defendant ROBERT WATSON packets of crack to sell in front of the Watson house and, in turn, defendant ROBERT WATSON gave defendant JERMAINE BURSTON proceeds from the sales of single-dose packets of crack from in front of the Watson house.

14. The Watson house was within 1,000 feet of the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were performed by the defendants at Philadelphia, in the Eastern District of Pennsylvania.

1. On or about March 25, 2004, defendants JERMAINE BURSTON and ROBERT WATSON stored crack at 3127 W. Norris Street, Philadelphia, the Watson house.

2. On or about March 25, 2004, at approximately 1:00 p.m. on the sidewalk outside the Watson house, a cooperating witness bought from defendant ROBERT WATSON two single-dose packets of crack packaged in orange plastic packets.

3. On or about March 25, 2004, at approximately 1:00 p.m., defendant ROBERT WATSON received from a cooperating witness \$20, including a ten dollar bill, bearing serial number CA66401966B.

4. On or about March 25, 2004, at approximately 1:00 p.m., after receiving \$20 in cash from a cooperating witness, defendant ROBERT WATSON opened the front door and entered the Watson house.

5. On or about March 25, 2004, at approximately 4:47 p.m., after receiving \$40 in cash from the cooperating witness, defendant ROBERT WATSON opened its front door and entered the Watson house.

6. On or about March 25, 2004, defendant JERMAINE BURSTON received \$10 in cash from the proceeds of defendant's WATSON's sale of crack to a cooperating witness that occurred at approximately 1 p.m.

7. On or about March 25, 2004, at approximately 4:55 p.m., defendant JERMAINE BURSTON was locked inside an upstairs bedroom of the Watson house that was equipped with an iron bar door which required a key to open, with approximately 32 grams of crack, crack packaging paraphernalia, two guns and a key to the iron bar door .

In violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JERMAINE BURSTON,
a/k/a Jermaine Robinson,

knowingly and intentionally possessed with intent to distribute more than 5 grams, that is, approximately 32 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

JERMAINE BURSTON,
a/k/a Jermaine Robinson,

knowingly and intentionally possessed with intent to distribute more than 5 grams, that
is, approximately 32 grams of a mixture or substance containing a detectable amount of
cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of the real
property comprising the Blaine Academics Plus School, 3001 West Berks Street,
Philadelphia, Pennsylvania.

In violation of Title 21, United States Code, Section 860.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JERMAINE BURSTON,
a/k/a Jermaine Robinson,

knowingly possessed a firearm, that is, a Harrington & Richardson, Model 733, .32 caliber handgun, serial number AX113090, loaded with three rounds of ammunition, and a Colt Semi-automatic, .22 caliber long rifle, Model Huntsman, serial number 018877S, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute and to possess with the intent to distribute cocaine base ("crack") and to distribute and to possess with the intent to distribute crack within 1,000 feet of the real property comprising a school, possession with intent to distribute crack, and possession with intent to distribute crack within 1,000 feet of the real property comprising a school in Philadelphia, in violation of 21 U.S.C. sections 846, 841(a) and (b)(1)(B), and 860.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JERMAINE BURSTON,
a/k/a Jermaine Robinson,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is: a Harrington & Richardson, Model 733, .32 caliber handgun, serial number AX113090, loaded with three rounds of ammunition, and a Colt Semi-automatic, .22 caliber long rifle, Model Huntsman, serial number 018877S.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ROBERT WATSON

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ROBERT WATSON

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia, Pennsylvania.

In violation of Title 21, United States Code, Section 860.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this superseding indictment, defendants JERMAINE BURSTON and ROBERT WATSON possessed at least one dangerous weapon, as described in U.S.S.G. § 2D1.1(b)(1).

2. In committing the offenses charged in Counts Two and Three of this superseding indictment, defendant JERMAINE BURSTON possessed at least one dangerous weapon, as described in U.S.S.G. § 2D1.1(b)(1).

3. At the time defendants JERMAINE BURSTON and ROBERT WATSON committed the offense charged in Count One, defendant JERMAINE BURSTON committed the offenses charged in Counts Two and Four, and defendant ROBERT WATSON committed the offenses charged in Counts Six and Seven of this superseding indictment, they were within 1,000 feet of of the real property comprising the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia, a protected location as described in U.S.S.G. § 2D1.2 and § 2K1.2 and §2K2.5 .

4. The offenses charged in Counts One, Two and Three of the superseding indictment involved 20 or more grams of cocaine base, that is, “crack” as described in U.S.S.G. § 2D1.1.

5. The offenses charged against defendant JERMAINE BURSTON in this superseding indictment were committed by BURSTON subsequent to his felony conviction for a controlled substance offense, as described in U.S.S.G. § 4A1.2 and § 4B1.2.

NOTICE OF DRUG FORFEITURE

As a result of the violation of Title 21, United States Code, Section 841(A)(1), set forth in this Indictment, defendants

JERMAINE BURSTON,
a/k/a Jermain Robinson,
and
ROBERT WATSON

shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained directly or indirectly by them as the result of the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to, the sum of \$60.00 and \$1,155.00

If any of the property subject to forfeiture as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FIREARMS AND AMMUNITION FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), set forth in this Indictment, defendants

JERMAINE BURSTON,
a/k/a Jermaine Robinson,
and
ROBERT WATSON

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

1. A Harrington & Richardson, Model 733, .32 caliber handgun, serial number AX113090, loaded with three rounds of ammunition, and;
2. A Colt Semi-automatic, .22 caliber long rifle, Model Huntsman, serial number o18877S.

All pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney